

ENVIRONMENTAL JUSTICE: PREPARING FOR IEPA OR USEPA INSPECTION



Environmental justice (EJ) has arrived as a focal point for inspection and enforcement from State and Federal environmental agencies. What began in 1964 in Title VI of the Civil Rights Act has become integrated in the Illinois EPA initiated policy-making efforts to conform to executive orders and federal directives. These policy efforts serve to establish definitions and consider EJ in permitting and inspections.

The Illinois EPA has prepared an EJ community map, available online. This tool can be used to verify where a facility

sits in relationship to the EJ mapped areas. The Illinois EPA has already increased focus and enforcement pressure in EJ areas.

In the event a company has multiple locations and a facility within an EJ community, it is important to understand that deficiencies noted during an inspection can be a catalyst for additional inspection among non-EJ located facilities. Manufacturers in EJ areas can prepare for regulatory review and inspection by conducting internal or external audits of key environmental permits and plans to

evaluate compliance with state and local regulations.

Does the facility have a plan when the inspection occurs? Planning for an inspection is an important component of making sure it goes well. In the event of an inspection, a few key components are important:

- Is there a communication plan to inform the facility's EHS lead, and other leadership?
- Is there a safety orientation

plan for the inspector?

- Are permits and inspection records well organized and accessible?

Creating a plan and conducting an internal or external audit will help prepare the facility for an inspection by a regulatory agency. Being well-prepared for an inspection not only save time and expense, it will support the company's relationship with the regulatory agency and promote better outcomes and reduced risk of enforcement actions.

A few of these key environmental permits and plans are listed below with prompts to direct facility leadership in conducting internal audits. Please note that the listed prompts are not a comprehensive checklist for each permit and plan, rather a focused list based on recent Illinois EPA enforcement:

Air Permitting

1. Is the permit current and does it properly describe processes and emissions?
2. Are required periodic inspections completed?
3. If stack testing is required, have tests been completed on the required schedule?
4. Are air pollution control devices maintained in accordance with manufacturer specifications?
5. Have operations been added to or changed in a way that may impact permit conditions?
6. Have reports, if required, been submitted to the regulating authority as required by permit or regulation?
7. Are air records maintained on site for 5 years?

Waste Management

1. Have waste determinations been completed for industrial waste streams generated at the facility?
2. Are hazardous wastes managed

on site according to applicable regulations for the facility's generator status?

3. Are wastes shipped to a licensed disposal facility?
4. Have annual reports, if required, been submitted to the IEPA?
5. Are affected employees trained on proper waste management?
6. Does the facility have appropriate emergency procedures or contingency plans in place?
7. Are records related to hazardous waste maintained for three years?

National Pollutant Discharge Elimination System (NPDES)

1. Is the Notice of Intent (NOI) submitted, if required?
2. Is a hard copy of the Storm Water Pollution Prevention Plan (SWPPP) onsite?
3. Is the permit current, and appropriate (general vs. individual)?
4. Are quarterly / annual inspections completed?
5. Are the sampling requirements completed, if required?
6. Are staff contacts up-to-date?
7. Does the site map reflect current conditions?
8. Are annual training logs up-to-date?

Spill Prevention, Controls, and Countermeasures (SPCC) Plan

1. Is a hard copy of the SPCC Plan onsite?
2. Is site-wide oil storage capacity up-to-date?
3. Are oil storage containers labeled properly?
4. Is secondary containment provided for required sources?
5. Are periodic inspections of tanks, drums, and totes completed?
6. Are annual inspections of tanks completed?
7. Are tank integrity tests completed in accordance with STI or API re-

quirements, if applicable?

8. Are staff contacts up-to-date?
9. Does the site map reflect current conditions?
10. Are annual training logs up-to-date?

Tier 2 Reporting

1. Are Tier 2 reports submitted timely (i.e., before March 1)?
2. Are new chemicals reported as 311 Reports within 3 months of exceeding their reporting threshold?
3. Has the facility filed the required 302 Report for extremely hazardous substances (EHS) that exceed their threshold planning quantity (TPQ)?
4. Are reports submitted to the Local Emergency Planning Commission?
5. Are reports submitted to the Local Fire Department?
6. Does the site map reflect current conditions?
7. Are SDS sheets up-to-date and consistent with chemicals used?

Toxic Release Inventory (TRI) Reporting

1. Are TRI calculations completed timely (i.e., before July 1)?
2. Are Form R or Form A reports timely (i.e., before July 1 for chemicals exceeding reporting thresholds)?
3. Are TRI records retained on site for a minimum of 3 years?

Environmental Justice Status Update:

In Illinois, EJ areas are derived from US Census Block Groups where the population consists of a substantial amount of minorities and/or the area is heavily populated by persons and families living below the poverty line. The Illinois EPA prepared a mapping tool to identify EJ areas throughout the state, found here [Illinois EPA EJ Start \(arcgis.com\)](https://www.epa.gov/illinois/illinois-epa-ej-start-arcgis-com).◆